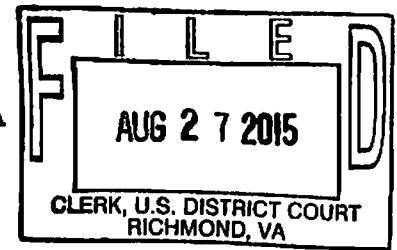


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



UNITED STATES OF AMERICA,

v.

Criminal No. 3:11CR284

MARTIUS HARDING,

Petitioner.

MEMORANDUM OPINION

Martius Harding, a federal prisoner, has submitted a motion pursuant to 28 U.S.C. § 2255. By Memorandum Order entered on July 17, 2015, the Court directed the United States to arrange for the transcription of Harding's Rule 11 proceedings and certify to the Court that the arrangements have been made. See Rules Governing Section 2255 Proceedings for the United States District Courts, Rule 5(c). On July 31, 2015, the United States filed the transcript. Counsel noted that she could not certify that the United States had mailed a copy of the transcript to Harding because he was released from FCI Cumberland on December 19, 2014 and failed to provide the United States or the Court with a current address. (Notice 1-2, ECF No. 71.)

Since that date, Harding has not contacted the Court to provide a current address. Harding's failure to contact the Court and provide a current address indicated his lack of interest in prosecuting this action. See Fed. R. Civ. P. 41(b).

Accordingly, by Memorandum Order entered August 5, 2015, the Court directed Harding, within eleven (11) days of the date of entry thereof, to notify the Court of his desire to proceed. The Court warned Harding that a failure to respond would result in dismissal of the action. More than eleven (11) days have passed and Harding has not responded. Moreover, on August 14, 2015, the United States Postal Service returned the August 5, 2015, Memorandum Order to the Court marked, "RETURN TO SENDER," "NOT DELIVERABLE AS ADDRESSED," and "UNABLE TO FORWARD." Harding's failure to keep the Court apprised of his current information clearly demonstrates a lack of interest in prosecuting this action. Accordingly, the action will be dismissed without prejudice. The Court will deny a certificate of appealability.

The Clerk is directed to send a copy of this Memorandum Opinion to Harding and counsel for the United States.

It is so ORDERED.

Date: *August 27, 2015*
Richmond, Virginia

/s/ REP

Robert E. Payne
Senior United States District Judge